

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JADE D'AMARIO and JOSHUA DUNN on  
behalf of themselves and all others similarly  
situated,

Plaintiffs,

v.

THE UNIVERSITY OF TAMPA,

Defendant.

Case No. 7:20-cv-03744-CS

**NOTICE OF UNOPPOSED MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION SETTLEMENT**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that upon: (1) the accompanying Memorandum of Law, and (2) the Declaration of Philip L. Fraietta, and the exhibits attached thereto (including the Parties' Class Action Settlement Agreement), Plaintiffs Jade D'Amario and Joshua Dunn, through their undersigned attorneys, will move this Court, before the Honorable Cathy Seibel, United States District Court Judge, Southern District of New York, at the Charles L. Brieant Jr. Federal Building and United States Courthouse, 300 Quarropas Street, White Plains, New York, for an Order, pursuant to Federal Rule of Civil Procedure 23(e): (i) granting preliminary approval of the Class Action Settlement; (ii) provisionally certifying the Settlement Class under Federal Rule of Civil Procedure 23(b)(3) in connection with the settlement process; (iii) appointing Philip L. Fraietta and Alec M. Leslie of Bursor & Fisher, P.A. as Class Counsel; (iv) appointing Plaintiffs as the Class Representatives for the Settlement Class; (v) approving the Notice Plan for the Class Action Settlement described in the Class Action Settlement Agreement and its Exhibits, as well as the specific Notice of Class Action and Proposed Settlement (the "Proposed Notice"), attached

as Exhibits B-D to the Settlement Agreement, and directing distribution of the Proposed Notice;  
and (vi) granting such other, further, or different relief as the court deems just and proper.

\* \* \*

A Proposed Preliminary Approval Order is submitted herewith.

Dated: May 25, 2022

Respectfully submitted,

By: /s/ Philip L. Fraietta  
Philip L. Fraietta

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*Proposed Class Counsel*